

LEGISTAR NO.

160517

IN THE CIRCUIT COURT OF THE 8th
JUDICIAL CIRCUIT, IN AND FOR
ALACHUA COUNTY, FLORIDA

CASE NO.:

JACOB T. RODGERS

Plaintiff,

V.

WILLIAM STORMANT, and
CITY OF GAINESVILLE, D/B/A
GAINESVILLE REGIONAL UTILITIES

Defendants.

AMENDED COMPLAINT FOR DAMAGES

Plaintiff, JACOB T. RODGERS, by and through undersigned counsel, files this Amended Complaint and sues Defendants, WILLIAM STORMANT, and CITY OF GAINESVILLE, D/B/A GAINESVILLE REGIONAL UTILITIES, and alleges:

1. This is an action for damages in excess of \$15,000.00, and this Court has jurisdiction pursuant to Article V, §5(b), and Florida Constitution §26.012, Florida Statutes.
2. At all times material, Plaintiff, JACOB T. RODGERS, was, and is, a resident of Alachua County, Florida, and is sui juris.
3. At all times material, Defendant, WILLIAM STORMANT, was, and is, a resident of Alachua County, Florida.
4. At all times material, Defendant, CITY OF GAINESVILLE, D/B/A GAINESVILLE REGIONAL UTILITIES (hereinafter "CITY OF GAINESVILLE") was, and is, a Florida municipality which operates a multi-service utility with offices located at 301 SE 4th Avenue in Gainesville, Florida 32601.
5. At all times material, Defendant, WILLIAM STORMANT, was employed by

Defendant, CITY OF GAINESVILLE, as an engineer at Gainesville Regional Utilities.

6. At all times material, Defendant, WILLIAM STORMANT's, employment with Defendant, CITY OF GAINESVILLE, required him to travel throughout Alachua County to various locations owned, operated and maintained by Defendant, CITY OF GAINESVILLE, in connection with its utility service operations.

7. At all times material, Defendant, CITY OF GAINESVILLE, entrusted Defendant, WILLIAM STORMANT, with a Ford Escape SUV, which Defendant, WILLIAM STORMANT, used to travel to the various locations owned, operated and maintained by Defendant, CITY OF GAINESVILLE, in connection with its utility service operations.

8. At all times material, Defendant, WILLIAM STORMANT, was the operator of the Ford Escape SUV entrusted to him by Defendant, CITY OF GAINESVILLE, when involved in an accident on October 7, 2015, on Northwest 39th Avenue (a.k.a. State Road 222), at or near the intersection of Northwest 115th Terrace in Gainesville, Florida.

9. Prior to the accident on October 7, 2015, and in connection with his employment with Defendant, CITY OF GAINESVILLE, Defendant, WILLIAM STORMANT, drove the Ford Escape SUV entrusted to him by its owner, Defendant, CITY OF GAINESVILLE, from the City of Gainesville East Side Operations Center located at 4747 North Main Street in Gainesville, Florida, to a utility substation owned and operated by Defendant, CITY OF GAINESVILLE, which was located on Northwest 115th Terrace in Gainesville, Florida.

10. Upon leaving the substation, Defendant, WILLIAM STORMANT, drove south along Northwest 115th Terrace towards Northwest 39th Avenue.

11. At all times material, there existed a stop sign on 115th Terrace which required any vehicle traveling south on 115th Terrace to stop and yield to any and all cross

traffic traveling along Northwest 39th Avenue.

12. In the moments prior to the accident, Plaintiff, JACOB T. RODGERS, was a passenger in the right rear seat of a GMC Sierra pickup truck traveling westbound on Northwest 39th Avenue.

13. An accident was caused when Defendant, WILLIAM STORMANT, failed to observe and/or obey the stop sign on southbound 115th Terrace, and, as a result, caused his Ford Escape SUV to violently collide into the vehicle in which Plaintiff, JACOB T. RODGERS, was a passenger.

14. As a result of the aforementioned accident, Plaintiff, JACOB T. RODGERS, suffered serious, life threatening and permanent physical and emotional injuries which required medical care and treatment in the past, and shall require on-going medical care for the rest of his life.

15. Plaintiff, JACOB T. RODGERS, has complied with all conditions precedent to the filing of this cause of action.

COUNT I
NEGLIGENCE CLAIM AGAINST WILLIAM STORMANT

Plaintiff re-alleges and re-avers Paragraphs 1-15 as if fully stated herein, and further alleges:

16. At all times material, Defendant, WILLIAM STORMANT, was the operator of a Ford Escape SUV owned by Defendant, CITY OF GAINESVILLE, which violently collided with the motor vehicle in which Plaintiff, JACOB T. RODGERS, was a rear seat passenger.

17. At all times material, Defendant, WILLIAM STORMANT, had a duty to operate the Ford Escape SUV under his control on October 7, 2015, in a reasonably prudent manner under the circumstances.

18. On October 7, 2015, Defendant, WILLIAM STORMANT, breached the requisite duty of care, and was otherwise negligent, in one or more of the follow ways:

- a. Defendant, WILLIAM STORMANT, failed to observe and obey a clearly posted stop sign;
- b. Defendant, WILLIAM STORMANT, failed to yield to cross traffic on Northwest 39th Avenue (a.k.a. State Road 222) which had the right of way;
- c. Defendant, WILLIAM STORMANT, became distracted whiled conducting a survey of electrical poles on the side of the road, and failed to observe changing traffic conditions in front of him.
- d. Defendant, WILLIAM STORMANT, otherwise failed to operate the Ford Escape SUV under his control in a safe and prudent manner under the circumstances.

19. As a direct and proximate cause of the negligence described above, Defendant, WILLIAM STORMANT, caused or contributed to cause injuries and damages to the Plaintiff, JACOB T. RODGERS, which includes bodily injury and disability, emotional and physical pain and suffering, loss of capacity for the enjoyment of life, lost wages in the past and future, and the expense of medical care and treatment in the past and future. The losses aforesaid are either permanent or continuing in nature, and Plaintiff, JACOB T. RODGERS, will continue to suffer such losses in the future.

WHEREFORE, Plaintiff, JACOB T. RODGERS, demands judgment for compensatory damages against Defendant, WILLIAM STORMANT, together with costs and demand trial by jury of all issue.

COUNT II
NEGLIGENCE CLAIM AGAINST CITY OF GAINESVILLE,
D/B/A GAINESVILLE REGIONAL UTILITIES

Plaintiff re-alleges and re-avers Paragraphs 1-19 as if fully stated herein, and further alleges:

20. At all times material, Defendant, CITY OF GAINESVILLE, owned the Ford Escape SUV operated by Defendant, WILLIAM STORMANT, at the time of the accident on October 7, 2015, which resulted in injury to Plaintiff, JACOB T. RODGERS, and had entrusted said Ford Escape SUV to Defendant, WILLIAM STORMANT.

21. As an owner of the Ford Escape SUV expressly entrusted to Defendant, WILLIAM STORMANT, at the time of the accident on October 7, 2015, Defendant, CITY OF GAINESVILLE, had a nondelegable duty to ensure that Defendant, WILLIAM STORMANT, operated the Ford Escape SUV in a safe manner.

22. Defendant, CITY OF GAINESVILLE, by and through its employee was negligent in that Defendant, WILLIAM STORMANT, was negligent in operating the Ford Escape SUV entrusted to him by Defendant, CITY OF GAINESVILLE, as follows:

- a. Defendant, WILLIAM STORMANT, failed to observe and obey a clearly posted stop sign;
- b. Defendant, WILLIAM STORMANT, failed to yield to cross traffic on Northwest 39th Avenue (a.k.a. State Road 222) which had the right of way;
- c. Defendant, WILLIAM STORMANT, became distracted while conducting a survey of electrical poles on the side of the road, and failed to observe changing traffic conditions in front of him.
- d. Defendant, WILLIAM STORMANT, otherwise failed to operate the Ford

Escape SUV under his control in a safe and prudent manner under the circumstances.

23. As a direct and proximate cause of the negligence described above, Defendant, CITY OF GAINESVILLE, by and through its employee and entrusted operator of its Ford Escape SUV, caused or contributed to cause injuries and damages to the Plaintiff, JACOB T. RODGERS, which includes bodily injury and disability, emotional and physical pain and suffering, loss of capacity for the enjoyment of life, lost wages in the past and future, and the expense of medical care and treatment in the past and future. The losses aforesaid are either permanent or continuing in nature, and Plaintiff, JACOB T. RODGERS, will continue to suffer such losses in the future.

WHEREFORE, Plaintiff, JACOB T. RODGERS, demands judgment for compensatory damages against Defendant, CITY OF GAINESVILLE, together with costs and demand trial by jury of all issue.

DEMAND FOR JURY TRIAL

Plaintiff, JACOB T. RODGERS, hereby demands a trial by jury of all issues triable as of right by a jury.

DATED this 9 day of September, 2016.

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